



*State of North Carolina*  
*Department of Public Safety*  
*Prisons*

Chapter: C  
Section: .1700  
Title: **High Security Maximum Control**  
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**POLICY & PROCEDURES**

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**.1701 GENERAL**

- (a) High Security Maximum Control (Hcon) is the isolation of close custody felon inmates that pose, or continue to pose, an imminent threat to the life or health of other inmates or staff or the isolation of inmates that otherwise pose a serious threat to the security and integrity of a prison facility. The Director of Prisons shall designate facilities or facility components as high security maximum control facilities as appropriate and necessary for this purpose. An inmate may be placed in a high security maximum control status and assigned to a designated facility for any one of the following conditions:
- (1) The inmate has been found guilty of a major disciplinary infraction involving a serious assault, active or passive participation in riot or mutiny, or seizing or holding a hostage or in any manner unlawfully detaining any person against their will.
  - (2) There is clear and convincing evidence that the inmate has expressed threats to the life or well being of other persons while on maximum control; the inmate is in possession of a deadly weapon or illegal drugs while on maximum control; or the inmate is involved in an incident involving escape, attempting to escape, or planning to escape from maximum control.
  - (3) Even though there has been no overt act of violence and no disciplinary offense proven, the facility administrator or designee as good cause to believe that, in light of all circumstances, the inmate's presence in the general population or maximum control poses a clear and present danger to the physical well being of other inmates, staff or the operation of the Prisons.
- (b) Referring authorities will ensure that the above criteria are met for all referrals to a Director's Classification Committee for high security maximum control assignment consideration. Referrals should not be based upon the unsubstantiated suspicion that the inmate presents an imminent threat to inmates, staff, or facility operations.
- (1) All referrals to the Director's Classification Committee for high security maximum control should be initiated by the facility classification coordinator or other appropriate facility staff and submitted to the facility head or designee for review.
  - (2) No inmate with a formal diagnosis of serious mental disorder or mental retardation should be assigned to high security maximum control unless approved by the Division Mental Health Director or designee.

- (3) A mental health evaluation should be provided with each referral to ensure that the mental and emotional capacity of the inmate is sufficient to tolerate the isolation of the assignment. In the event that an inmate requires inpatient mental health treatment during an HCON assignment, a new mental health referral is required before reassignment to HCON.
- (4) Each referral should also include a medical evaluation signed by the facility's Physician Assistant, Family Nurse Practitioner or medical doctor or other medical professional as designated by the facility head, to ensure there is nothing regarding the physical condition of the inmate which would prohibit placement in this control status. In the event that an inmate requires inpatient mental health treatment during an HCON assignment, a new mental health referral is required before reassignment to HCON.
- (5) Should the complexity of the case or the inmate's lack of understanding significantly limit the inmate's ability to meaningfully participate in the proceedings, the superintendent of the referring facility will appoint a member of the staff to assist the inmate before the Director's Classification Committee.
- (6) Any other information or documents necessary to fully support or explain the action as referred will also be included in the referral materials.

#### **.1702 ASSIGNMENT AND REVIEW PROCEDURES**

##### **(a) Assignment Procedures**

- (1) Every inmate considered for high security maximum control should receive a hearing before a Director's Classification Committee. The committees hearing cases for high security maximum control will be comprised of Superintendent IV's, III's and II's, Wardens, Deputy Wardens, Correctional Administrators, Assistant Superintendent I's and Assistant Superintendents II's or comparable staff as designated by the Director of Prisons. Only Superintendent III's and above will serve as the chairperson. No staff member who provides information against the accused or initiates the referral action may serve on the committee. The inmate should receive written notice of the hearing at least forty-eight (48) hours before the hearing takes place. This written notice should reasonably inform the inmate of the reasons he is being considered for high security maximum control.
- (2) At the hearing, the inmate should be confronted with any relevant information that indicates placement in high security maximum control is necessary. The inmate will be given the opportunity to state his position on the action under consideration.

- (3) If the inmate has been found guilty of a major infraction by a disciplinary hearing authority as a result of the incident from which the classification review arises, the committee may rely on these findings. Otherwise, the committee should make its own findings of facts. In these cases, the chairperson of the committee should determine whether the complexity of the issue or the illiteracy of the inmate makes it unlikely that he will be able to understand and participate meaningfully in the process. If so, the chairperson should ensure that a staff member is assigned to assist the inmate in presentation.
  - (4) After the hearing, the inmate will leave the hearing room and the committee membership should discuss the factors relevant to a final decision. Neither the staff member presenting the case nor representatives of the referring unit shall be allowed to participate in the actual decision-making process. If the majority of the members of the committee determine that, based on the disciplinary report or the information presented, high security maximum control is appropriate, they should recommend the inmate be assigned that status. In all such cases, the inmate involved should receive a written summary of the facts upon which the committee relied in making its determination. If it is decided that high security maximum control is inappropriate, the committee should so note in the classification minutes and make an appropriate assignment.
- (b) Review Procedures
- (1) Within six (6) months of the initial assignment to high security maximum control, each inmate should again be reviewed before a Director's Classification Committee. The review should be conducted in the same manner as are other reviews conducted by the Director's Classification Committee.
  - (2) Following an assignment to high security maximum control, the inmate's case manager should meet with the inmate at least once a week to maintain communication, evaluate the inmate's current status, and counsel the inmate on future behavior. The case manager should review the status of the inmate every 30 days with the appropriate high security maximum control facility managers. The case manager should document each contact in the automated case contact notes file.
  - (3) While inmates assigned to a high security maximum control status are not allowed to participate in group activities, the assigned chaplain should visit the facility and make weekly contact with each inmate to maintain communication, offer prayer and scripture reading, and to provide pastoral counseling consistent with the inmate's faith and expressed interest, provided the inmate accepts such visits. The chaplain should provide a monthly review of the inmate's status to the appropriate high security managers.
  - (4) When reasons indicate that continued confinement in high security maximum control status should be considered, the inmate should again be referred to a

Director's Classification Committee. The inmate should be given the opportunity to refute any of these reasons and to submit any relevant information in his own behalf. If the majority of the Director's Classification Committee decides that continuation is appropriate, it shall recommend continuation. If the Director's Classification Committee determines that continuation is not necessary, it should recommend removal from high security maximum control status. Action by the Director's Classification Committee should be forwarded to the Division for final review and action.

#### **.1703 REFERRAL, SCREENING, DOCUMENTATION, AND OTHER REQUIREMENTS**

- (a) Inmates will be referred to the Director's Classification Committee for consideration for placement in high security maximum control only upon the recommendation of the facility classification coordinator or other appropriate facility staff.
- (b) The referral should contain details of the incident that makes high security maximum control placement necessary including the time and place of such incidents and the names of the sources of information relied upon by the referring authority. Also, it must contain all relevant information concerning the progress of the inmate and his adjustment to confinement up to the time of the incident which led to a referral on high security maximum control. The results of the psychological and medical evaluations to determine suitability of placement of the inmate on high security maximum control should also be included in the material evaluated by the Director's Classification Committee.
- (c) All referrals and requests for assignment to, continuation of, or release from high security maximum control should be made through the control action automated record screen process (IS11) with sufficient comments to fully document the control action assignment action as referred.

#### **.1704 ADDITIONAL PROCEDURAL & ASSIGNMENT CONSIDERATIONS**

- (a) Referrals to and review by the Director's Classification Committee for high security maximum control assignments will only follow reviews by facility classification committees and the managing facility administrator.
- (b) In the event the Director's Classification Authority (DCA) concludes that high security maximum control is a more appropriate control status assignment than that recommended for an inmate referred for a control status, the DCA shall note their findings and recommendations in the minutes of the classification hearing. The assigned facility classification coordinator should then initiate action to obtain the psychological and medical evaluations necessary to properly consider a high security maximum control status assignment. The evaluations may be obtained from either the referring or housing facility as appropriate and necessary. Once the required reports are available, the coordinator should schedule a hearing before an appropriate Director's Classification Committee. All relevant materials and documents will be made available to the

Committee. If high security maximum control status is recommended, the Committee should note its findings and refer the case to the final approving authority for review and action. Should the evaluative reports prohibit a high security maximum control status assignment given the inmate's health condition, another more suitable control status recommendation will be documented and routed for final consideration. Classification staff should ensure full and complete documentation of such cases.

- (c) All high security maximum control assignment reviews should be conducted following regular Director's Classification Committee procedures.
- (d) High security maximum control assignments should be reviewed every six (6) months. At any time during the inmate's assignment, the facility head or designee of the housing facility may refer the case to the Director's Classification Committee for review to release in less than six (6) months, for documented reasons.
- (e) Inmates removed from high security maximum control status should automatically be assigned to a maximum control status assignment.

#### **.1705 APPROVING AUTHORITY**

The results of each referral for a high security maximum control status assignment should be forwarded to the reviewing and final approving authority for action through the automated control status record processes. A Region Director or designee will review each recommendation before final action and before implementation. The final approving authorities for assignments to high security maximum control are the Director of Support Services, the Assistant Director for Auxiliary Services, the Manager of Classification, Region Director or designee and other authorities as designated by the Director of Prisons.

*George Solomon*      *3/2/15*  
Director of Prisons      Date

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